UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE:	CASE NO: 16-01709-JW
ERNEST BLAINE COLE	(CHAPTER 13)
CELESTE DENEE WILSON	
551 STACY COURT	**MOTION TO DISMISS CASE**
GEORGETOWN, SC 29440	
Debtors	

The Trustee hereby requests the dismissal of the above case for the following reason(s):

It appears that whether relying upon the confirmed plan or the currently pending amended plan, the Debtors are significantly past due. Debtors are past due pursuant to the terms of the plan filed Sept 1, 2016, confirmed by Order entered Oct 17, 2016. They are past due in payments to the Trustee in the amount of $1,358. In addition, the debtors failed to make the mortgage payments required by the confirmed plan, having accrued an arrears to Mortgage Research Center in the amount of $12,631.16 through March 2017, with payments of $1,054.56 due for April and May 2017 which Trustee is informed and believes the Debtors did not pay. The total arrears to the Trustee and to the mortgageholder pursuant to the confirmed plan is $16,098.28.

Trustee asserts that:
Debtors consented to a Settlement Order entered Mar 15, 2017 which requires that they file an Amended Plan to cure the mortgage arrears and maintain ongoing mortgage payments. An Amended Plan was filed Mar 15, and amended again Apr 25, with Trustee payments of $2,100 beginning in April. The Debtors are past due pursuant to that Amended Plan through May in the amount of $4,368.

Debtors filed a Motion for Moratorium (now withdrawn - not filed in compliance with Operating Order 16-02) requesting that they be able to delay the payment of the April, May and June Trustee payments. That pleading indicates an inability to cure the arrears, despite the provision in the Settlement Order which indicates the following statement signed by Debtors' attorney: "Prior to consenting to this settlement order, the payment obligations set forth in this Order, including the amounts, method, and timing of payments, and consequences of default were reviewed with and agreed to by the Debtor or the party obligated to pay."   Trustee requests that the case be dismissed unless the Debtors bring the payments current.

The Trustee further requests that a hearing be scheduled on his Motion to Dismiss

Dated: <u>May 09, 2017</u>

/s/ James M. Wyman

James M. Wyman
Chapter 13 Trustee
PO Box 997
Mt. Pleasant, SC 29465-0997
Phone: (843) 388-9844
Fax: (843) 388-9877
Email: 13office@charleston13.com

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

In re:	Chapter 13
ERNEST BLAINE COLE CELESTE DENEE WILSON	C/A No 16-01709-JW
	NOTICE OF HEARING
Debtors.	

PLEASE TAKE NOTICE that a hearing will be held at:

King and Queen Building
145 King Street
Room 225
Charleston SC 29401

on **June 5, 2017** at **10:00 am**, to consider and act upon the Motion to Dismiss Chapter 13 Case.

The Motion is attached hereto. **Any party objecting to the relief sought must file a response in accordance with SC LBR 9014−1, and must serve the party seeking the relief with a copy of said objection within twenty-one (21) days of the date of service of this Notice.** Any party failing to do so may be denied the opportunity to be heard. Please take notice that any party which has filed and served an objection in accordance with SC LBR 9013−3 and SC LBR 9014−1 and which fails to appear at the time and place above noticed to prosecute that objection, may not have the objection considered.

16-01709-JW

CERTIFICATE OF SERVICE

I did this date serve the attached document(s) on the parties listed below by placing the same in the United States mail with proper postage affixed thereto and addressed as follows:

ERNEST BLAINE COLE
CELESTE DENEE WILSON
551 STACY COURT
GEORGETOWN, SC 29440

Meredith Law Firm LLC
Robert R. Meredith, Jr.
4000 Faber Place Drive, Suite 120
North Charleston, SC 29405-0000

Mortgage Research Center
c/o Jason Wyman
Post Office Box 100200
Columbia, SC 29202

Date: May 09, 2017 _____   /s/ Heather Crall _____
                                                        Heather Crall
                                                        Chapter 13 Office